

MAY 14 2020

Dear Clerk Bradley,

5/7/20 (Mailed 5/8)

David J. Bradley, Clerk of Court

Enclosed is my CORRECTED Outline for a new Rule 60 filing.
Can you please simply scan it onto my Docket & place it into my
file for Judge Hanen to read along with my 5/4/20 "Motion to
Consider Attached Letter..." Hopefully he'll understand that
this Outline is meant to REPLACE the ~~XXXXX~~ pages 7 & 8 Outline
attached with that motion.

Thank you very much.

Sincerely,



Robert Alan Fratta

Case No. 4:13-cv-03438

*** CORRECTED OUTLINE FOR A NEW RULE 60 MOTION TO BE FILED ***
(This Outline is meant to REPLACE the one attached to my 5/4/20 "Motion to Consider Attached Letter...", & is based upon my Rule 60 filing in Dockets 114, 115, 116, 127 & 128, which will all be needed to understand & apply this Outline)

Start the new Rule 60 motion with my "I. Jurisdiction to Grant Relief" & cite it all.

Next do my "II. Reasons Justifying Relief..." heading, keep my "A." heading, & my "1) Innocence" paragraph. I'm fine if you can word it better than I did.

Next can be my "2) Errors of Law" paragraph & all of "a)".

Next I feel should be my "f)" paragraph as the new "b)".

My current "c)" can be omitted (due to the Bledsue ruling) & replaced with the fact that Harmon did not follow the Jackson mandates as I cited in my 5/2/20 letter to my attorneys I attached with my 5/4/20 motion. Use that letter to cite supporting cases & the things she did. That letter has a lot of supporting facts & cases.

I guess my current "b)" can now be cited as the new "d)" (regarding the term "principal").

Then the new "e)" should probably be my current "k)" from my 2nd Amendment in Dkt. 127. Cite S.Ct. cases like Dunn, 442 U.S. 100, & Berger, 295 U.S. 78, then also Gollihar, 46 SW3d 243 & Planter, 9 SW3d 156. You can also incorporate my argument in my "l)" (lower case "L") from Dkt 128 (3rd Amendment) for this fatal/material variance "reason" for relief.

Next can be my current "i)" from Dkt 115 as the new "f)", but it will need to be reworded & perhaps incorporate arguments from my current "d)" & "e)" from Dkt 114. I guess it can also state my jury charge wording might constitute solicitation of capital murder at the utmost, but not any kind of 19.03 capital murder, & solicitation is a lesser offense. (Please also quote cases like I think Jackson that have ruled it doesn't matter if the evidence tends to show "some" offense was committed, it's unconstitutional/unlawful to uphold a conviction on an offense NOT committed or proved or indicted for).

Next can be my current "j)" from Dkt 115 as the new "g)".

Then my current "g)" of Dkt 114 can be the new "h)".

My current "h)" of Dkt 114 can be the new "i)".

Then we come to my current "3) Abuses of Discretion" where all my reasons from "a)" thru "j)" can remain the same, but I'm open to discussion for the last few. But another reason/abuse NEEDS to be ADDED, & probably right behind my current "d)". As my 5/2/20 letter says, Harmon never considered the fact I was "DENIED" by the trial court & subsequently CCA during State Habeas when I motioned for a hearing on the sufficiency of the evidence, & for the CCA to remedy the trial court's denials of my motions & proposed findings of fact & conclusions of law where I proved my attorneys' 11.071 filing qualified as a NON-application for NOT attacking or seeking relief from the actual conviction as required by law; all filed & ruled on after I was designated as pro se only during a hearing to dismiss my attorneys. Harmon's ignoring all my pro se 11.071 filings & rulings was a miscarriage of justice, &, I believe qualified as my having exhausted the legal insufficiency issues. Harmon SHOULD have taken my State Habeas proceedings into consideration also. This is strong proof of a defect in the integrity of the federal habeas PROCEEDINGS overall.

Then all my current "4) Lack of Counsel..." needs to remain cited as further valid reasons for granting relief under Rule 60.

I feel both my current "5)" & "6)" of "Changed Circumstances" should remain.

I want my current "7)" & "8)" to remain cited as reasons.

Next can be the Schlup reason(s) as YOU want (provided another Rule 60 can be filed afterwards with MY reasons IF relief isn't granted with all these reasons cited herein thus far).

Next can be 2254 violations as I've cited in previous pro se filings.

Next can cite new rule of law under such cases as Webb & Crutsinger as I stated in my 5/2/20 letter, & any other reasons you can think of.

Add a "No Evidence" reason under Thompson, 362 U.S. 199, et al.

Then my "B. Defect in the Integrity..." MUST be cited/remain.

My current "II.", "IV." & "V." MUST also remain/be cited.

I also feel my current "VI." should remain, & maybe "VII.", but we can discuss it. And that would conclude a NEW Rule 60 filing as I want & need.

Bobby

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LEGAL

David J. Bradley, Clerk of Court

United States Courts
Southern District of Texas
FILED
MAY 14 2020

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